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CONNECTIONS BETWEEN PUBLIC AUTHORITIES AND RELIGIONS IN EUROPE

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INTRODUCTION
RELATIONS BETWEEN PUBLIC AUTHORITIES AND RELIGIONS IN EUROPE
GREAT DIVERSITY

Great religions of diverse origin are to be found on the European continent, of which some have been present for many centuries. Some come from near Asia (Judaism), others from the Middle East (Christianity), others have developed in the heart of Europe (Orthodox churches, Anglicanism, denominations that emerged from the Reformation), others have come form the Arabian peninsula (different traditions of Islam). More recent arrivals come from the far east (Buddhism, Hinduism and other Eastern religions) or from the United States (evangelical churches ...). Over the centuries, different peoples of Europe have been in a position where, as a result of endless conflicts and painful experiences, they have had to learn little by little to recognise this diversity, to accept it, to ensure that different religious groups occupying a space together should learn to live not only alongside each other, but also together in harmony and cooperation.

This long-term process of learning, which is far from complete, began within all the differing political systems that have succeeded one another on the European continent: free cities, empires, autonomous regions, various territorial structures that include monarchies, a range of political systems, and nations. In the last two or three centuries, often without regard for other groups, through the fragmentation of populations, one form of political organisation has gradually superseded all others, that is the *nation-state*. As a result the surface of the earth is covered with a mosaic of states, often in a state of hostility or internecine competition. Thenceforth, conflictual relations came to interfere with interstate relations, though that does not change the nature of the problem. Centuries of European history have witnessed irresolvable confusion, the origin and nature of which are different, with wars of religion and conflicts between nation states.

It is against this historical backdrop that we should assess the difficulties faced by the construction of Europe. In each state of the European Union Churches, religious groups, and belief organisations have realised conventions, concordats and institutional agreements with public powers, always because of their political and social history and their national culture. As a result there are many differences in the formal relations between each member state of the Union and the religions present on their territory: state churches, established churches, churches subject to concordat, recognised religious organisations, separation of church and state, neutrality, *laïcité*... We must take account of the fact that these relationships are not finally determined within each state; many continue to change.

From the beginning of European construction, in particular since the Treaty of Rome, such diversity, which, by its nature, sought to be respected, did not fail to raise many questions, difficulties and obstacles that require answers and solutions. Various political bodies of the European Union (Council of Europe, European Commission, European Parliament) are concerned about this situation and wonder about the possibility and the opportunity to achieve a more consistent position on relationships between Church and State and convictional groups. First, let us first remind ourselves about the current legal framework of such research, a consequence of former treaties that underpin European integration: Article 17 of the Treaty of Lisbon (TFEU) states that "The Union respects and does not prejudice the status enjoyed under national law of churches and religious associations and communities in the Member States" (§ 1), it also respects " ... the status of philosophical and non -confessional organisations" (in another paragraph, the § 2) and "that the Union shall maintain an open, transparent and regular dialogue with these churches and organisations" (§ 3). finally in our thinking, we cannot avoid asking about the relevance of this legal provision of absolute neutrality (" ... respects and does not prejudice the status ..."), and discerning whether it is still expedient, and even it is still possible to maintain as it stands.

Obviously, the first requirement in enabling us to provide these answers and solutions was in the field of information; to begin we had to know about this diversity so as to recognise it. This initial research has been completed. We can get access to a whole range of more or less documented monographs, which describe the forms adopted to regulate relations between political authority and the various churches and non-confessional organisations (*NCOs*) present on the national territory of each state of the Union. Many publications already provide these documents,[1] and the Council of Europe as well as the European Union[2], have , already carried out this work of documentation[3]. That is not what I want to do in this investigation.

Our thinking needs to go further in the future. The wide variety of solid practice and institutional models of church/state relations established in the 27 member states of the Union seem, at first sight, to be a colourful mosaic, with many differences, with no sign of order, criteria for comparison or paradigms of difference. As a result of this self-evident complication it is difficult for the authorities in each state to understand how to go about things in their own country or to grasp the procedures in other states. The complexity leads us to think that the solutions adopted in one's own state will work elsewhere and that, at all events, 'our' solutions are the best. As a result citizens are discouraged from making the necessary effort to understand the issues engaged at the centre of the EU

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[1] Visit the site of the *l'Institut Européen en sciences des Religions (IESR)* *www.iesr.ephe.sorbonne.fr* which offers a good bibliography and a directory of useful links. Also consult Jean-Georges BOEGLIN, *États et religions en Europe,* For the Catholic model of Church-state relations, Paris, L'Harmattan, 2006. See also Jean-Pierre BASTIAN et Francis MESSNER,

[2] Maxime MONTAGNER, *Procédures et dispositifs du dialogue entre les organisations de la société civile et la Commission européenne,* Institut de recherche et débat sur la gouvernance, February. 2006.

[3] Among many others, see Philippe POIRIER (coordinator of the European Governance programme), *Nature et acteurs de la définition d'une gouvernance européenne du pluralisme religieux.* University of Luxembourg.

integration process. Above all it discourages responsible bodies in the Union as they endeavour to develop and implement policies that will remove obstacles that hinder the development of the Union in this area.

When it is examined more closely, this diversity of practice and institutional form is by no means unintelligible. Why? In Europe, the objective undertaken by European states in a fixed legal framework is essentially the same. As a result of their particular history and their individual culture, they have different arrangements for communication between the state, the churches and convictional groups. What proof is there? By accepting the *Universal Declaration of Human Rights*, by committing themselves to them in signing the *Single European Act⁴* in 1986, by ratifying a whole range of international agreements in respect of civil and political rights, in signing the *European Convention on fundamental rights,* by ratifying the various European treaties that govern European integration, particularly the two most recent, the TEU and the TFEU called the *Treaties of Lisbon,* and several other legal instruments, States of the Union have, in fact, adopted and ratified a **broad common set** of core values and fundamental principles aimed at governing their regulations in respect of relations between church and state and non religious groups. Thus they have come, generally speaking, to a common mind and committed themselves to a process of convergence, set common goals in respect of the questions raised here as of many others. It seems, therefore to be instructive to show how far, despite different social practices and different institutional frameworks, different states of the Union have the same values, the same principles the same objectives at the end of the day in respect of what we are considering.

I present here a first attempt (obviously very imperfect) to bring order to the diversity already mentioned above. The option I propose begins **with what is shared** by the legislation of all European states, namely a set of essential values and fundamental principles that underpin legislative arrangements, and then identify, as and when there is a defined procedure, the criteria by which the differences that we observe between the legislative processes of the states of the Union in legislation, in administrative procedure and public practices take effect. So I suggest a route, which follows a series of **concepts**, which set out, first of all, the fundamental *freedoms* rooted in the dignity of every human being, — freedom of thought, freedom of conscience, freedom of religion and conviction — then to review the laws and regulations that implement these principles: freedom of religious practice, public guarantee of this practice, state Church, recognised Church, established Church, the legal status of religious institutions and convictional groups, separation, neutrality, *laïcité*, etc. In this way we can expect to allow everyone better to understand their own tradition in a context of developing convergence, and to position it better in respect of other institutional solutions that aim at similar or parallel objectives. This process of activity is also necessary in getting a grasp on the future and in recommending guidelines that enable us to resolve the difficulties mentioned and enable further progress to be realised towards the integration of Europe.

Then there is the third stage of our journey: the questions that arise at the heart of the difficulties evoked by this operation as well as substantive solutions to these problems that assume, in nearly all cases, a possible and inescapable condition: that is the practice of *meetings, dialogue* and *real engagement* between different *convictions*. This means : the development of **interconvictional *laïque* culture**. For the European institutions that means: the significant furtherance of **democracy** that is both the source and the result of such a culture .

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⁴ *The Single European Act* signed by twelve states in 1986 on the initiative of Jacques Delors brought in the first supranational community arrangements.

PRINCIPLES AND COMMON OBJECTIVES

1. RECOGNITION OF THE INHERENT DIGNITY OF ALL HUMAN BEINGS

THE *Universal Declaration of Human Rights* (*UDHR*) opens with a preamble of which the first 'Consideration' gives pride of place to the idea of human **dignity: "**Considering that the recognition of the inherent dignity of all members of the human family and of their equal and inalienable rights constitutes the basis of liberty, of justice and of peace in the world ... ". This choice by those who drafted the *Universal Declaration* opened the way for a long career for the idea of human dignity in international law. It also initiated thinking, that still continues, about the precise and exact content of thought in this field, in particular about its use when there is debate about bioethics. One of the best experts in this field was able to write: "The definition of what is indisputably contrary to human dignity is a political challenge, which presents itself in that way, and of which the philosophical, theological and ideological expectations are seldom brought into the open."[5]. No less important is the claim that the dignity of each human being is "the basis of liberty, justice and peace" has become a shared space and a constant reference point in international treaties, in particular those that govern the fundamental institutions of the European Union. We must certainly accept that there are different interpretations of the precise content of this dignity as well as of its basis; that is what provides its philosophical or theological horizon. But we cannot deny, at least in respect of what matters to the people of the Union, that human dignity is supported and clarified by universal agreement in its basic role, as the foundation of the great freedoms which Europe perceives to be at the heart of the message which it transmits to the world; freedom or thought, freedom of conscience, freedom of religion and conviction.

2. FREEDOM OF THOUGHT

1). As generally defined, freedom of thought is the capacity of every human being to take personal charge of his understanding, to order his intellectual capacity, and to decide about the content of the presentation of his thought, of his beliefs, of individual and collective convictions.

The history of European cultures shows that recognition, implicit recognition at least, of this basic capacity is ancient, although it has been at the origin of much suffering and of struggles over the centuries (*séculaires*). As far as Europe is concerned we can be sure that it has initiated debates and questioning in Greek history, as we can see in the Greek tragedies of Sophocles or Aeschylus, and at the same time it becomes very clear that Greek philosophy was born with Plato and Aristotle. Europe has come to have many apologists, like Spinoza in his *Theological and political treatise* of 1670 and Voltaire in his *Treatise on Tolerance* of 1763.

In respect of the Philosophy of the Enlightenment, the achievement of free exercise of this faculty defines what Emmanuel Kant calls the intellectual maturity of a man who has the courage to use his intelligence. "It is the enlightenment that makes man bring out what he should adopt from the minority. The minority has the basis in an incapacity in which one cannot use one's intelligence without being directed by other(s). He must attribute this minority to himself when the cause is not lack of intelligence, but the absence of the determination and courage that are required to rely on one's own spirit without being guided by another. *Sapere aude,* have the courage to use your own intelligence ...! That is the motto of the enlightenment" (*Qu'est-ce que c'est que les Lumières?* Published in 1784).

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[5] Gilbert HOTTOIS, *Dignité et diversité des hommes,* Paris, Vrin, 2009

The exercise of this freedom, in particular in public, cannot fail to distinguish two dimensions within itself: an interior aspect, the *absolute* freedom to organise one's views and thought within oneself, and an external side, *relative* freedom to present one's opinions and convictions to others. This dual aspect confirms the evidence that the human being is not only an individual on his own, but that from the beginning human beings are beings in relation "political animals". One cannot separate becoming an individual and the social nature of humanity. We will come back to that at the end of our study, with the theme of 'recognition'.

2."Each individual has the right to freedom of thought ...." Absolute recognition of freedom of thought is enshrined in the legislation of all European states. Il is formulated, expressed and guaranteed in numberless Declarations, Conventions, Pacts and international Treaties, to begin with article 18 of the *Universal Declaration of Human Rights* (*UDHR*). There, incontestably, we have a principle which produces unanimity among all European peoples and nations.

3. Freedom of Conscience

1) Although they are very close is it legitimate to draw a distinction between freedom of thought and freedom of conscience? The answer is: yes, as we see in the manner in which all national and European legislation, which associate thought and conscience, is drafted. The distinction, which will not work without engaging a close link between the two expressions, comes from the practical effect of distinguishing between theoretical order and the field of practice. Thinking is an activity conducted alone, to act always involves another.

Freedom of conscience is the capacity possessed by the individual to make free choice of values and principles according to which he proposes to conduct his life, and the right to act in accordance with those values and principles. In principle it involves the right to give public expression to conscientious conviction.

We are aware that, in the course of European history, this liberty has been a matter of deep controversy and that applying this freedom in the matter of religion has brought about conflicts and wars, that full recognition by the great religions is far from being either realised or guaranteed. I will give an example of tragic hesitation about recognition in the history of Christianity while contenting myself with a rapid survey of certain facts. In the teaching of Jesus and the theological development of Paul, it is apparent that freedom of conscience comes directly from the nature of the act of faith. From the moment when the Christian tradition, which became an official religion of the Empire in 380 (Edict of Thessalonica), was transformed into Christianity, freedom of conscience was doubly honoured in the breach: by ecclesiastical control of dogma with the purpose of stamping out heresies, through the necessity that was laid on the emperor or the king to maintain political control over populations. However, a theologian like Thomas Aquinas develops accessible theories on freedom of conscience when he declares that conscience, even when it is wrong, places an obligation on its moral subject, even if the mistake is not always justified, since a person, who can be educated and who can belong to society, has an obligation to illuminate or inform his conscience.[6] This lesson was to be quickly forgotten by ecclesiastical authority. Controversy and conflict, connected with the reformation, were to drive the Roman *magisterium* to give no recognition in law to conscience but rather to the only Truth (the 'Catholic' one). Condemnation of Freedom of Conscience, "a fatal error", was often to be restated over the centuries; in 1789 from the beginning of the French Revolution, in 1832 in the encyclical *Mirari vos,* again in 1864 by Pius IX in the well known and disastrous *Syllabus "of errors in our time".* It would be necessary to wait for the encyclical *Pacem in terris* (1963) of John XXIII and the *Decree on religious liberty* of the Second Vatican Council in

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[6] THOMAS AQUINAS, *Summa theologica,* Ia,q. 79, a.12 ; IaIIae, q.76, a.1-4.

1965 ... So that at last one could see liberty of conscience really recognised and professed by the Catholic Church.

2. "Every individual has the right (...) to freedom of conscience" (article 18 of the UDHR). Freedom of conscience today goes together with freedom of thought, ... is recognised and guaranteed in the legislation of all states of the European Union[7]. This is clearly a principle which itself gives rise to unanimous agreement between all European peoples and nations.

4. FREEDOM OF RELIGION AND BELIEF

With freedom of religion, we enter quite a different problem . Why? While thought and consciousness are essentially faculties of the individual person, religion, without ceasing to be determined belief and personal membership, also has a social dimension and includes specific organisation, together with religious practice that demands belief, 'Ministers', rites. Under the general term of freedom of religion, we must distinguish : 1. the faculty guaranteed to the individual person, if it is desired; to choose and to practice a religion or a shared conviction and 2. the legal status of freedom given to churches and groups with shared convictions by public authority or negotiated with it. This distinction, which is not always drawn, is, however, determinant. The limited status of freedom of religion given to Jews by the French Revolution and afterwards by Bonaparte, illustrates to importance of this distinction.

First let us look at freedom of religion and conviction in the first sense, that of subjective law. In many European national constitutional and international texts, liberty of religion is proclaimed in the most general terms, following two great liberties that have already been examined. Article 18 of the UDHR proclaims "Each person has the right to freedom of *thought*, of *conscience*, and of *religion;* this right implies that there is freedom to change religion or conviction, as well as freedom to manifest one's religion or conviction alone or with other people, as much in public as in private, by teaching, by practice, through the religious activity and the performance of rites".

However , things are not as clear as it seems. From 1966, the *International agreement on Civil and Political Rights* (one of the agreements that aims to extend the Universal Declaration by binding International Agreements), if it picks up to Article 18 of the UDHR, finds three revealing considerations, which relate to the rejection of any constraint that might limit this liberty, to restrictions that may be brought to the exercise of that freedom and which are very limiting, finally to the role of parents, of legal tutors (guardians) in the content of religious and moral education of children.

It is a remarkable, and sadly significant consequence of the lasting consequences of the wars of religion and struggles carried out for religious liberty, that since the *Universal Declaration*, all attempts made to develop a binding international instrument on applicable human rights relating to freedom of religion or belief were fruitless .

Europe, and particularly the European Union, has however managed to go further in the legal organisation of freedom of religion and conviction. Since 1950, the *European Convention for the Protection of Human Rights and Fundamental Freedoms* (entered into force in 1953) is binding on states that have ratified it and guarantees freedom of religion and conviction, especially in art. 9. This involves the ability to embrace the religion of one's choice, to change religion, to leave a religion and join another, and **even to have no religion**. That last point, only realised after a long struggle, acquires increasing importance and significance insofar as we observe that the proportion of EU citizens who claim no religion, nonbelievers, agnostics or atheists, has greatly increased in

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[7] See the very good collection edited by Patrice MEYER-BISCH and Jean-Bernard MARIE, *La liberté de conscience dans le champ de la religion,* Documents of the Interdisciplinay Institute on Ethics and Human Rights (IIEDH), University of Fribourg, janvier 2002.

recent years, even if it remains highly variable from one country to another of the Union . We will come back to that, because that's where, to achieve a better exercise of democracy, there is a necessity to go on from interreligious dialogue and to develop debates between convictions and that requires the acquisition of an *interconvictional culture*.

In any case, with regard to freedom of religion and conviction — understood as a fundamental individual right — we can , in general, extend our understanding of the first two freedoms examined; freedom of thought and of consciousness. At this point we cannot identify a principle of differentiation between legal rules that European states have adopted to codify the relationship between public authorities and churches or organisations of conviction. All states of the European Union recognise and guarantee the principle of freedom of religion and conviction[8].

CRITERIA FOR DIFFERENTIATION:

GUARANTIES AND LIMITATIONS OF RELIGIOUS AND CONVICTIONAL PLURALISM [criterion n° 1]

The legal provisions included in the treaties and international conventions stipulate that in the legitimate exercise of the freedom to manifest one's religion or convictions, only restrictions that "are prescribed by law and are necessary, in a democratic society, for public security, the protection of public order , health or morals or the protection of the rights and freedoms of others " (art.9.2 of the European Convention on Human rights) are permissible As a consequence the signing of these documents, which they are committed to respect, by all European states, given the restrictions and only the restrictions mentioned above, personal freedom to manifest religion or convictions and religious and convictional pluralism are guaranteed.

We know well that, as a result of conditions or difficulties in social and political life, the application of national legislation often encounters difficulties and gives rise to 'accommodation' with the law that can so far as to take the form of avoidance or violation. The troubled history of Europe reminds us that problems and conflicts arising from historical religions are among those that most easily generate unrest, violence and wars. Because of their own interests, religion and politics over the centuries have not ceased to enter into rivalry and even now it is very difficult to keep a balance that handles their different areas of engagement and the exercises legitimate historical claims in a peaceful manner.

That is why, beyond European treaties and pacts, the way in which they effectively establish and respect religious and convictional pluralism is undoubtedly **the first criterion** for differentiating the states of the Union.

2. THE LEGAL STATUS OF CHURCHES AND CONVICTIONAL ORGANISATIONS [Criterion N° 2]

We emphasised the need to distinguish religious freedom understood as a subjective right and freedom **of** religion, understood in the second sense, that of legal status conferred by the state with guarantees to the churches, to religious institutions and to non-confessional organisations. Here we meet a **second criterion** for differentiating between different legal régimes adopted by the states of Europe…

This brief, board brush account suffices at the moment to show how far our **second criterion,** institutional status, enables us to be specific about the chief differences between European states in respect of the way in which relations between states and ecclesial or convictional institutions are or-

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[8]See Yad Ben ACHOUR, *La Cour européenne des droits de l'homme et la liberté de religion,* Pedone Collection, Institut des Hautes Études Internationales de Paris, 2005.

ganised. Meanwhile, by itself, this is a long way from providing a sufficiently specific understanding of differences of nature and working. Other regulatory and sociological criteria must be used really to define differences and better to understand how the different states of the European Union are alike or different in the way in which they organise freedom OF religion, and therefore manage relations between public authorities and religions and non confessional organisations on their territory.

3. THE PAYMENT OF RELIGIOUS AUTHORITIES AND THE FINANCE FOR THE ACTIVITIES OF CHURCHES AND CONVICTIONAL GROUPS [criterion n°3]

AT first sight, it would seem that the question of the payment of religious authorities, as well as that of expenses connected to religious activities and buildings, should be immediately dependent on the solution adopted by states in respect of legal and administrative status established for religious and convictional communities. We note that there is in fact a certain correlation between both issues, but this correlation is not the same everywhere and there are some variables with the result that we must introduce this **third criterion** of difference among European states. Several studies have compared the financial arrangements for religion in different states of Europe[9].

[…] Following the economic crisis fresh debate has arisen in several European countries about direct and indirect support given to religion. The arrival of "new" religions (Islam, Hinduism, etc.) raises questions about former arrangements: there is a tendency to give the same help in conformity with the principle of equality. This generalised contribution to non-confessional organisations (NCO) leads to questions which can only be resolved in a framework which, beyond intercultural and inter religious consultation, will lead to the development of really inter convictional culture.

4. ORGANISATION AND PAYMENT FOR SCHOOLS, HEALTH SERVICES AND OTHER PUBLIC SERVICES (criterion n° 4)

If there is an area in which the phenomenon of secularisation in European society, that began several centuries ago, within limits and following practice in different areas of Europe, broadly defines the nature and form of relations between states and churches or non confessional organisations; it is that which we define by the term 'social services' in the widest sense: school, education, health, hospices, emergency relief , etc. Monotheist religions, in particular Catholicism and Protestant denominations have for a long time assured essential aspects of these services which they see as part of their competence and responsibility. The rise of the institutional state, which has gradually extended and deepened its hold on all regions of Europe, has gone hand in hand with developing independence of different areas of life, of professional competence, of social institutions that have become more complex and that need new specialist knowledge. It is enough to mention some dramatic conflicts and well known dates to see the extent these new developments and stakes involved: scientific autonomy in the affair of Galileo, the disengagement of politics and religion in the political field with the French Revolution, the conquest of moral authority with the *Critique de la raison pratique* (1788) of Kant, etc.

The variety of relationships in the nations of the European between states and various public "services" is a wonderful demonstration of the complexity of current developments. It seems to me that

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[9] For example : Jean-François HUSSON, *Le financement des cultes et de la laïcité : comparaison internationale et perspectives.* Les éditions namuroises, 2005. See also Francis MESSNER, *Les modes de financement des religions en Europe,* Les éditions namuroises, 2005.

it fully justifies the decision to place the organisation of payment for schools, health and other public services, as a **fourth criterion** among the characteristic elements of relationships that religions and non confessional organisations have developed with public authorities in each state of the Union.

The different methods of funding educational systems, with their range of diversity, used in the European Union, certainly need special attention, because the way in which they are set up has for a long time been a subject of debate and still is a subject for debate, for hostility, for real struggles in a number of countries. The reason for this is simple: education is the chief way in which believers in a religious denomination manage to ensure the handing on of their beliefs to new generations[10], while, from its side, the nation-state considers that one of its essential tasks is to guarantee teaching education and learning to which he or she has the right to every citizen. On this work of national education depends the future of the society with which the state is charged. Accommodation and compromise at which every nation of Europe nation has arrived in this field provide eloquent testimony to its history as well as a good expression of culture and cultures. It is enough here to look briefly at some states of the EU to be convinced…

It is in this field as well that it is particularly necessary for the management of disagreement and the realisation of essential compromise to develop this *laïque* **and inter convictional culture** of which the need is increasing day by day.

The spaces, procedures and institutions for democratic dialogue that exist within each state no longer appear to us today, on the whole, to be in a position to meet the current expectations of national citizens in the matter of "deliberative democracy" and therefore of participative democracy. The democratic culture of our old European countries seems urgently to demand a new step forward towards what we call a *laïque* **and interconvictional culture.**

What I have just developed while remaining, in the first instance, within the framework of each European nation, should now be extended to the whole European space and engage the democratic culture of European citizens (which is where we stand … in law, ! and barely in fact) and the institutions of the Union. Why? Quite simply because in taking part in European integration, the states of the EU have decided to enlarge the framework and the exercise of their national sovereignty, and to go forward towards the — chiefly new — practice of the exercise of **shared** sovereignty. So far the questions that arise in the limited framework of national life take on a more and more European dimension. So why should this development, which concerns monetary and financial matters, economic life, political practice, a number of social questions, the demands of the environment, cultural meeting , etc., have to stop when it is a matter of relations between European public authorities end the churches, the religious institutions and the convictional organisations? Should article 17 of the TFUE (*The Union respects and does not prejudice the status enjoyed under national law of churches*) still be considered as graven on tablets of stone?

5. THE NON-INSTITUTION OF BELIEFS AND DISAFFECTION FOR THE CHURCHES. (criterion n° 5)
The definitive influence of the processes of history and secularisation in our European societies ,which began several centuries ago, has an effect on the future of relations between public authorities and religious and non confessional organisations. This is evident from the different forms taken by the chief public 'services' in each country of the Union. This diversity is sufficiently

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[10] Good information about this can be found in dans Etienne VERHACK (Secretary General of the CEEC), *Information sur l'École catholique en Europe,* European Committee for Catholic Education, Bruxelles 2008, which includes monographes, and other detailed and varied information, on Catholic Schools in most European countries related to the public status of the Catholic Church where appropriate.

characteristic to be a significant criterion of differentiation, it seems to me, (criterion n° 4) for relationships between public powers and religions or non confessional organisations in different countries of the Union.

We must now take account of another change in our societies, certainly connected to secularisation, but even more to the convergence of movements that affect the form taken by belief: the growth of individualism, the arrival of subjectivism and a relativism that leads to plurality of identity of belief and conviction, to belonging to different groups, to lack of definition and of structure in the groups.

This development, which takes very different forms in different countries, seems to me to entail the introduction of a **fifth criterion** to differentiate among European states. I immediately note that an effect of this development is to make church authorities and religious leaders less legitimate and that this is increasingly the case when it comes to "representing" their faithful at the political institutions of the European Union. It also entails the extension of spaces and institutions for debate between convictions that are much more diverse than they were in the past.

Are there figures to measure this change? First of all we should note that we must be very careful in considering European statistics when it is a matter of comparaison between believers religions and "non believers" in the great religions. We must understand the vocabulary when we speak of atheists, agnostics, unbelievers, non believers, those who do not care, sceptics, the irreligious , etc. And what definitions shall we adopt for each of these categories? When a person says that he or she is 'non believing' does that mean without any belief? … If care is taken and the margin of error is understood there is a massive issue related to understanding: yet again there are variations between countries, that of disaffection towards the great religions already established, and a considerable growth in indifference towards religion, without mention of agnosticism and atheism.

There follows a table published by the Eurobarometer Institute in 2010 which proved answers given to an identical questionnaire given to citizens of twelve countries of Europe, with a question that allowed one of three answers:

- Je crois qu'il existe un Dieu (I believe there is a God)
- Je crois qu'il existe un esprit ou une force de vie (I believe there is some sort of spirit or life force)
- Je crois qu'il n'existe pas un esprit ou une force de vie (I don't believe there is any sort of spirit or life force)

	I believe that a God exists	*I believe that a spirit or life force exists*	*I do not believe that a spirit or life force exists*
Germany	44%	25%	27%
Belgium	37%	31%	27%
Spain	59%	20%	19%
France	27%	27%	**40%**
Greece	**79%**	**16%**	**4%**
Holland	28%	39%	30%
Ireland	70%	20%	10%
Italy	74%	20%	6%
Finland	33%	42%	22%
United Kingdom	37%	33%	25%
Suède	**18%**	**45%**	34%
EUROPE	**51%**	**26%**	**20%**

So, without giving these figures more value than is appropriate, we note that only one in two Europeans "believe there a God exists," but that this figure varies from 79% (Greece) or 74% (Italy) to fall to 27% (France) and 18% (Sweden). Would it be reasonable to think that such a difference is without influence in matters concerning relations between the state and religious or non-religious organisations?

…

The consequences of such changes , which are considerable in many areas, are, most often , not adequately taken into account . All issues concerning the relations between public authorities in the EU and churches/organisations of conviction must be understood today in the general context that includes the dis-institutionalisation of beliefs , the rise of indifference and disaffection towards traditional church institutions. Several conclusions should be drawn today.

…

A second consequence of these developments concerns the legitimacy of the interlocutors whom public authorities must consult when they wish to "establish an open, transparent and regular dialogue" with religious organisations. Can they continue to favour traditional dignitaries, people with authority, church leaders so as to know the expectations, hopes and beliefs of the faithful, those of religious or philosophical organisations in the economic , social, societal , political fields? This is a serious problem that affects the very democracy of the Union. Why? Members of the European Parliament or the Commission did not fail to perceive the division, not to mention the gap that often separates on the one hand positions held with determination, even with rigour, by religious authorities (especially Catholics) on many social issues , and on the other hand, the moral and ethical convictions of a significant and continuously growing proportion of faithful believers in relation to these issues. This gap is increasingly resented and unwillingly supported by the faithful, or even supporters (in the broad meaning of the term), who come to challenge the representative character of the authorities who are supposed to "represent" them to the European institutions. They point out that religious leaders do not owe their legitimacy to any kind of elected or delegated mandate — the churches and many religious organisations are not democratic structures. The institutions of the European Union have been attached, since their inception, to the **democratic legitimacy** of all political authority : it is no longer possible nor is it permissible to postpone the requirement to question the principle affirmed in Article 17 § 1 of Title II of the Treaty of Lisbon (TFEU) : "*The Union respects and does not prejudice the status enjoyed, under national law, of churches and religious associations and communities in the Member States.*"

The third consequence of the evolution that I have described is necessary in view of the evidence. The time has come, **in every European nation and in all institutions of the Union**, to begin new projects for dialogue between different beliefs . The future belongs to the inter-convictional . The urgency is pressing. Representative democracy in its present forms and institutions gives worrying signs of stalling. The gap is widening between the elites in power, and the people or citizens who have lost confidence in them. New forms of deliberative democracy, or even participatory democracy, are now required not to supplant the procedures of democratic representation, but to revitalise it, to return the effectiveness that it seems to have largely lost .

On every page of our journey following the *five criteria* of differentiation between the states of the Union with regard to their relationship with the religions and beliefs of citizens :

1. *warranties and limitations of religious and convictional pluralism*
2. *the recognised legal status of churches and ONC*

3. *remuneration of agents of worship and financing activities*
4. *funding of 'private' schools and other similar services*
5. *the state of the dis-institutionalisation of beliefs and the disaffection of the churches,*

We met the same requirement : open new spaces of encounter between believers and non-believers , new procedures for the meeting of different or opposed beliefs, new institutions for deliberation and participation in decisions that affect us all, a new career open to the principle that the French and the Belgians call "*laïcité*" and that other people also practice under other names . This is what we want when we affirm the need to develop a **laïque and inter convictional** culture and we call all to work together.

<div align="center">FINAL NOTE</div>

It is on purpose that I have not taken every opportunity to introduce a point of view that is essential in almost all areas of study of *interconvictional laïque culture* : the now significant presence of Islam in Europe. Either because it forces us to ask again questions that were considered settled for decades, or insofar as it introduces problems unknown to former European Christianity or insofar as it advances claims of which the compatibility with our standards of *laïcité* is not obvious, or because certain groups, a small but extremist minority, attempt systematically to test the resilience of our democratic societies, Islam has become, over the past thirty years, both a participant and a partner in questions that are present in the European Union about the place of religion in the public space. It occurred to me that this aspect required the development of another study later.

Here is some relevant bibliographic information:

Olivier and Stephane Bobineau Lathion , Muslims as a threat to the Republic ? , Paris , DDB , 2013. - Tariq Ramadan , Muslims in secularism, Ed. Tawhid , 1994 (2nd ed. September 1998) [book requiring strong criticism ...] . - Ghaleb Bencheikh , Occupation Islam , Paris , ed. Presses de la Renaissance , 2005. - Abdennour Bidar Self Islam. Personal history of Islam , Paris , Seuil , coll. ' Non-compliant ', 2006.